

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES LEIGHTY,

Plaintiff,

v.

SPOKANE COUNTY, a municipal
corporation; SHERIFF JOHN
NOWELS, an individual; and
SPOKANE COUNTY SHERIFF'S
OFFICE, a subdivision of a
municipal corporation,

Defendants.

NO. 2:24-CV-0165-TOR

ORDER GRANTING STIPULATED
PERMANENT INJUNCTION

BEFORE THE COURT is the stipulation of Plaintiff James Leighty and Defendants Spokane County, Sheriff John Nowels, and the Spokane County Sheriff's Office for entry of a Permanent Injunction (ECF No. 17). Plaintiff brought this action for violations of his First Amendment rights through Defendant's censorship of his comments on its official Facebook Page. Defendants have agreed to certain permanent injunctive terms:

1. Defendants agree to be enjoined from enforcing its social media Disclaimer against Plaintiff (or anyone else) by “hiding” or otherwise removing from public view speech protected by the First Amendment.

2. Defendants have turned off the ability of any Facebook user to comment on the County's Facebook page and agree to be enjoined from turning back on the comments without future leave from the Court.

3. Hidden comments prior to the date of Plaintiff's complaint, May 21, 2024, are not subject to this Order.

4. These named Defendants agree to be bound by these terms for the duration of Sheriff Nowels term in office. Sheriff Nowels may seek a modification to this Order in the event that there are any substantive legal changes to social media and First Amendment rights during his tenure.

5. The parties further agree that this Order encompasses the understanding that any future Sheriff may seek to modify this Order by filing a motion with this Court.

ORDER

Based on the foregoing stipulation and having reviewed the pleadings, the Court finds that requirements for entry of a permanent injunction have been met (*see* ECF No. 15), and hereby **ORDERS** that until a further order from this Court:

1. Defendants agree to be enjoined from enforcing its social media

1 Disclaimer against Plaintiff (or anyone else) by “hiding” or otherwise removing
2 from public view speech protected by the First Amendment.

3 2. Defendants have turned off the ability of any Facebook user to
4 comment on the County’s Facebook page, and are hereby enjoined from turning
5 back on the comments without future leave from the Court.

6 3. Sheriff Nowels may seek an Order to modify or vacate this Order
7 based upon any substantive legal changes in social media and First Amendment
8 rights.

9 4. Any future Sheriff of Spokane County may seek an Order to modify
10 or vacate this Order.


11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 The Stipulated Motion for Permanent Injunction (ECF No. 17) is
13 **GRANTED.**

14 The District Court Executive is directed to enter this Order and furnish
15 copies to counsel.

16 DATED February 20, 2025.




THOMAS O. RICE
United States District Judge